

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUGUSTIN GUTIERREZ VALENCIA et
al.,

Defendants.

CASE NO. 2:22-cr-00151-LK

ORDER GRANTING MOTION TO
CONTINUE TRIAL DATE

This matter comes before the Court on Defendant Jesus Toledo Pardo's Motion to Continue Trial and Pre-trial Motions Date. Dkt. No. 82. Toledo Pardo seeks to continue trial from November 28, 2022 to June 5, 2023, and to continue the pre-trial motions deadline in accordance with the new trial date. *Id.* at 2.

On September 21, 2022, a grand jury returned an indictment charging Mr. Toledo Pardo with Conspiracy to Distribute Controlled Substances under 21 U.S.C. §§ 841(a)(1) and 846, and Possession of Controlled Substances with Intent to Distribute under 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 18 U.S.C. § 2. Dkt. No. 38 at 1–2, 6. Mr. Toledo Pardo pleaded not guilty to all

counts and is currently scheduled to be tried before a jury on November 28, 2022. Dkt. No. 52. Also scheduled for trial on that day are Co-Defendants Agustin Gutierrez-Valencia, Daniel Vazquez-Arroyo, Rosalio Reynoso Arellano, Ernesto Casillas, and Ivan Santos Arellano. *Id.*; Dkt. Nos. 67, 85, 88.

Counsel for Mr. Toledo Pardo avers that he has conferred with counsel for the Government and for the Co-Defendants, and that the Government and Messrs. Gutierrez-Valencia, Vazquez-Arroyo, and Casillas agree with the proposed continuance. Dkt. No. 82 at 2–3. He further states that “Counsel for Defendants Reynoso Arellano and Santos Arellano advised that they have not yet had sufficient time to confer with their clients.” *Id.* at 3. Counsel for Mr. Reynoso Arellano subsequently moved to withdraw and new counsel was appointed. Dkt. Nos. 92–94.

Counsel for Mr. Toledo Pardo seeks to continue trial to June 5, 2023 because “[m]ost of the discovery material has yet to be produced” and “[u]nless the trial is continued, [he] will not have sufficient time to review discovery material to determine possible pre-trial motions, and possible lines of defense or to counsel the Defendant on alternatives to trial.” Dkt. No. 82 at 2. Mr. Toledo Pardo has filed a Speedy Trial Waiver stating that he understands his rights under the Speedy Trial Act, consents to a June 5, 2023 trial date, and “with the advice of counsel,” he “knowingly and voluntarily waive[s], or give[s] up any right that [he] may have to a speedy trial during the period from the present until two weeks beyond the new trial date.” Dkt. No. 82-2 at 2.

Some of the Co-Defendants have also filed waivers under the Speedy Trial Act. Defendant Casillas states that he “knowingly and voluntarily waive[s] his] right to a speedy trial and consent[s] to a continuance of the” trial date to and including June 30, 2023. Dkt. No. 83 at 1. Defendant Vazquez-Arroyo states that he has been advised of his “right to a speedy and public trial” and “do[es] knowingly and with the advice of counsel waive [his] right to a speedy trial and consent[s] to a continuance of the trial date from November 28, 2022 until July 5, 2023.” Dkt. No. 84 at 1.

1 Defendant Gutierrez-Valencia states that he has been advised of his “right to a speedy trial” and
2 “knowingly and voluntarily waive[s his] right to a speedy trial and consent[s] to a continuance of
3 the” current trial date to and including June 30, 2023. Dkt. No. 86 at 1. Defendants Rosalio
4 Reynoso Arellano and Ivan Santos Arellano have not responded to the motion or filed waivers.

5 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
6 granting a continuance outweigh the best interest of the public and the Defendants in any speedier
7 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
8 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
9 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
10 more time to review discovery, consider pre-trial motions and defenses, consult with his client,
11 and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). This is especially true here, where
12 there are multiple defendants alleged to have been involved in a drug trafficking conspiracy and
13 discovery—typically involving thousands of documents and voluminous digital data—has not yet
14 been produced, with the exception of a small batch of discovery pertaining to Toledo Pardo. Dkt.
15 No. 82 at 2. The Court finds that the additional time requested is a reasonable period of delay and
16 will be necessary to provide counsel and Defendants reasonable time to accomplish the above
17 tasks.

18 For these reasons, the Court GRANTS Mr. Toledo Pardo’s Motion to Continue Trial Date
19 and Pretrial Motions Deadline, Dkt. No. 82, and ORDERS that trial shall be continued from
20 November 28, 2022 to June 5, 2023. It is further ORDERED that, pursuant to 18 U.S.C.
21 § 3161(h)(7)(A) and (B), the period of delay from the original November 28, 2022 trial date to the
22 new trial date is EXCLUDED when computing the time within which Defendants’ trial must
23 commence under the Speedy Trial Act. Pretrial motions are due no later than April 24, 2023.

1 Dated this 1st day of November, 2022.

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3 Lauren King
4 United States District Judge